

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**JULY 2, 2012 – 6:00 P.M.  
REGULAR MEETING**

City Hall Council Chambers  
117 Macneil Street  
San Fernando, CA 91340

**CALL TO ORDER/ROLL CALL**

Mayor Brenda Esqueda called the meeting to order at 6:09 p.m.

Present:

Council: Mayor Brenda Esqueda, Mayor Pro Tem Antonio Lopez, and Councilmembers Maribel De La Torre, and Sylvia Ballin

Staff: City Administrator Al Hernández, City Attorney Maribel S. Medina, and City Clerk Elena G. Chávez

Absent: Councilmember Mario F. Hernández (notified staff that he is ill and would not attend the meeting)

**PLEDGE OF ALLEGIANCE**

Mayor Esqueda

**APPROVAL OF AGENDA**

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Lopez, to approve the agenda. By consensus, the motion carried.

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Julian Ruelas (resident) said: 1) the JC Penney (JCP) rally was a terrific success; and 2) we need to move forward, put aside personal issues, and work together as a community.

Linda Campanella Jauron (resident) spoke in support of Cultural Arts Supervisor Virginia Diediker and asked that the City Council not make a permanent decision based on a temporary problem.

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Renato Lira (resident): 1) thanked Councilmembers that showed up to at the recent event to support JCP; and 2) said that Council needs to send letters to legislative representations to help keep the doors open to the Pacoima Skills Center.

Jesse Avila (resident) thanked the City Attorney and City Administrator for meeting with him to address misconceptions.

Samuel Beltran (resident) said: 1) a man told him that the City is on the brink of “being broke”; and 2) the U.S. Constitution doesn’t “work” in the Council Chambers.

Margie Carranza talked about freedom of speech and said the City Attorney is supposed to defend and educate the people.

Carolina Perez: 1) said she doesn’t understand why Councilmember De La Torre keeps fighting (she has made a lot of residents upset); and 2) as a community organizer, she travels to advocate for students and the community.

Patty Lopez (resident) said: 1) today is a happy day for residents; 2) is a witness to (City employee) Virginia Diediker’s dedication and hard work; and 3) hopefully the people running as candidates in the recall election take the position seriously.

Paul Luna (resident) said that the rally to keep the JCP store open and the Heritage Park clean-up event were both successful (people pulling together can make things happen).

**CONSENT CALENDAR**

Councilmember Ballin removed Item No.s 8 and 9 for further discussion.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the remaining Consent Calendar Items:

- 1) APPROVAL OF MINUTES OF:
  - a) JUNE 4, 2012 – REGULAR MEETING
  - b) JUNE 18, 2012 – REGULAR MEETING
- 2) APPROVAL OF WARRANT REGISTER NO. 12-071
- 3) APPROVAL OF CONTRACT FOR PROFESSIONAL AUDITING SERVICES WITH TEAMAN, RAMIREZ & SMITH, INC.
- 4) ADOPTION OF ORDINANCE NO. 1618 – CORRECTIVE ORDINANCE PERTAINING TO WATER UTILITY SERVICE CHARGES

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- 5) ARTICLE XIIIIB APPROPRIATIONS (GANN) LIMIT FISCAL YEAR (FY) 2012-13
- 6) ADOPTION OF RESOLUTIONS APPROVING THE SALARY PLAN AND TABLE OF ORGANIZATION FOR FY 2012-13
- 7) APPROVAL OF MEMORANDUM OF UNDERSTANDING EXTENSION BETWEEN THE CITY AND THE SAN FERNANDO PUBLIC EMPLOYEES' ASSOCIATION (SFPEA) AND THE SAN FERNANDO PART-TIME EMPLOYEES' BARGAINING UNIT (SFPEBU)

By consensus, the motion carried.

**Items Removed for Further Discussion:**

- 8) AWARD OF CONTRACT – SITE PREPARATION FOR 12900 DRONFIELD AVENUE, PHASE 1A (NITRATE PROJECT)

Public Works Director Ron Ruiz responded to various questions from Councilmembers regarding their concerns about the bid amount (staff was directed to report back if the project cost exceeds \$25,000).

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to:

- a) Accept the lowest responsive bid in the amount of \$24,900 from FS Construction for the Site Preparation for 12900 Dronfield Avenue, Phase 1A in preparation of the delivery of the Ion Exchange Nitrate Removal Unit; and
- b) Authorize the City Administrator to execute a Construction Contract with FS Construction in an amount not to exceed \$24,900.

By consensus, the motion carried.

- 9) APPROVAL OF AGREEMENT FOR LABOR AND EMPLOYMENT LEGAL SERVICES WITH THE LAW FIRM OF MEYERS NAVE

Councilmember Ballin said that of the firms interviewed, Meyers Nave was the most expensive. She stated that at a time when the City is experiencing financial difficulties, it does not make good business sense to hire the highest priced attorneys when all were well qualified.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to table this item and review the bids (removing the bid from Meyers Nave). The motion failed with the following vote:

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AYES: Ballin, Lopez – 2  
NOES: De La Torre, Esqueda – 2  
ABSENT: Hernández – 1

In regards to Meyers Nave, City Attorney Medina said that, for the record, the advisory work (which is the majority of work that will be provided) is offered at the City Attorney rate which is significantly lower (25% to 30%) of what this group of lawyers would normally charge.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to table the matter and reconsider all law firms. The motion carried with the following vote:

AYES: Ballin, Lopez, Esqueda – 3  
NOES: De La Torre – 1  
ABSENT: Hernández – 1

**NEW BUSINESS**

By consensus, Item No. 15 was moved up on the agenda.

**15) AUTOMOTIVE DEALERSHIP INCENTIVE PLAN – SAN FERNANDO VALLEY CHRYSLER DODGE JEEP RAM**

City Administrator Hernández presented the staff report. He and Greg Brown (San Fernando Valley Chrysler Dodge Jeep Ram franchisee) replied to questions from Councilmembers.

Motion by Mayor Esqueda, seconded by Councilmember De La Torre, to:

- a) Approve an Automotive Dealership Incentive Plan for San Fernando Valley Chrysler Dodge Jeep Ram (franchisee) to assist this franchise to open in San Fernando at the property located at 700 and 753 San Fernando Road;
- b) Direct staff to work with the City Attorney to draft, on behalf of the City, a Letter of Intent (or Letter of Commitment) to include the parameters specified the report; and
- c) Authorize the City Administrator to execute the final Letter of Intent (or Letter of Commitment).

By consensus, the motion carried.

**PUBLIC HEARING**

**10) PRESENTATION OF THE CITY’S FISCAL YEAR (FY) 2012-13 CITY BUDGET**

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Mayor Esqueda declared the Public Hearing open.

City Administrator Hernández presented the staff report and replied to questions from Councilmembers.

Councilmember Ballin inquired about the \$60,000 for a trash services consultant and said she would like to have that deferred until 2014. In the interim, she would like that staff re-negotiate a year extension with Crown Disposal (she asked that staff be creative and remind Crown that we are a great City to do business with).

Mayor Esqueda said this is a challenge for the 2012 Council and asked about the unpaid pension liabilities which should have been paid years ago. City Administrator Hernández agreed stating that we are trying to address and correct the decisions that were made in the past but these actions today will help set the City in a sustainable path going forward.

Mayor Esqueda called for public testimony in favor or opposition. There being no comments, she closed the public comment portion of the Hearing.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to adopt a Resolution approving the Final FY 2012-13 City Budget, including the modification suggested by Councilmember Ballin to re-negotiate a one-year extension agreement with Crown Disposal. By consensus, the motion carried.

**11) FY 2012-13 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT PUBLIC HEARING AND CONFIRMATION OF ASSESSMENT**

Mayor Esqueda declared the Public Hearing open.

City Clerk Chávez announced that this was the time and place for the Hearing and that the notice had been legally posted.

Motion by Mayor Esqueda, seconded by Councilmember Ballin, to receive and file the affidavit. By consensus, the motion carried unanimously.

Public Works Director Ron Ruiz presented the staff report and replied to questions from Councilmembers.

City Clerk Chávez announced that no written protests were received.

Mayor Esqueda called for public testimony either in favor or opposition.

Jesse Avila (resident): 1) asked if a comparison will be done regarding previous assessments and will it include the parameters; and 2) he asked about Edison utility costs (Mr. Ruiz replied).

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There being no comments, Mayor Esqueda closed the public comment portion of the Hearing. Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to:

- a) Adopt a Resolution ordering the continued maintenance of the City's streetlights and confirming the annual assessment; and
- b) Adopt a Resolution approving the Final Engineer's Report for the FY 2012-13 Landscaping and Lighting Assessment District.

By consensus, the motion carried.

**12) APPROVAL OF FY 2012-13 ANNUAL FEE SCHEDULE**

Mayor Esqueda declared the Public Hearing open.

City Administrator Hernández presented the staff report. He and City Planner Fred Ramirez replied to questions from Councilmembers.

Mayor Esqueda called for public testimony either in favor or opposition. There being no comments, she closed the public comment portion of the Hearing.

Motion by Mayor Esqueda, seconded by Councilmember Ballin, to adopt a Resolution incorporating all current fees for City services into a FY 2012-13 Annual Fee Schedule, amending certain fees and charges, and repealing all parts of Resolutions in connection therewith. By consensus, the motion carried.

**NEW BUSINESS (CONTINUED)**

**13) SELECTION OF CONSERVATOR/HISTORIAN/ARCHIVIST PRESERVATION TEAM FOR THE LOPEZ ADOBE PROJECT PHASE II**

City Planner Fred Ramirez presented the staff report.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to authorize the City Administrator to execute a Contract for Professional Services with the firm of Art Preservation Associates to clean, inventory, move, and reinstall the three-dimensional artifacts at the Casa de Lopez Adobe building in preparation for its future use as a house museum, per the approved scope of work, and in an amount not to exceed \$125,000. By consensus, the motion carried.

**14) ADOPTION OF A RESOLUTION MAKING EXPRESS FINDINGS AND DETERMINATIONS FOR THE RECENTLY ADOPTED BUILDING CODES (ORDINANCE NO. 1615)**

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City Planner Ramirez presented the staff report.

Mayor Esqueda declared the Public Hearing open.

Mayor Esqueda called for public testimony either in favor or opposition. There being no comments, she closed the public comment portion of the Hearing.

Motion by Mayor Pro Tem Lopez, seconded by Councilmember De La Torre, to:

- c) Adopt a Resolution making express findings and determinations that modifications to the 2010 Edition of the California Building, Electrical, Mechanical, Plumbing, Residential and Green Building Standards Codes are reasonably necessary because of local climactic, geological or topographical conditions; and
- d) Direct staff to forward the approved Resolution to the State of California Building Codes Commission pursuant to Health and Safety Code Section 17958.7(a).

By consensus, the motion carried.

**STANDING COMMITTEE UPDATES**

No. 1 Budget, Personnel and Finance (BPF)

Councilmember De La Torre – reported that the Committee has worked very hard, had many discussions, and made recommendations pertaining to the FY 2012-2013 Budget, sustainability for the City’s financial well-being, and paying down outstanding debts. She thanked fellow Councilmembers for moving forward toward achieving those goals.

No. 2 Housing, Community & Economic Development and Parking (HCEP)

City Administrator Hernández gave an update regarding the JCP store and staff’s difficulty in getting in contact with their board members and executives. He also talked about the rally and community support to keep JCP in the City.

No. 3 Natural Resources, Infrastructure, Water, Energy and Waste Management (NRIW)

Councilmember Ballin – no updates.

No. 4 Public Safety, Veteran Affairs, Technology and Transportation (PVTT)

Mayor Pro Tem Lopez – gave an update regarding the Safe Routes to School video.

No. 5 Education, Parks, Arts, Health and Aging (EPAH)

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Mayor Esqueda – gave an update regarding the Fourth of July and the Summer Concerts events in the City.

**GENERAL COUNCIL COMMENTS**

Councilmember De La Torre talked about the U.S. Olympic trials and congratulated the Rattler Swim Team and various individuals that have made the City very proud.

Councilmember Ballin said that the JCP event was a team effort, thanked everyone involved, and reported that she prepared and sent a letter to the JC Penney CEO and Board of Directors.

Mayor Pro Tem Lopez thanked City Administrator Hernández for his efforts regarding JCP and all those who worked hard to send a big message to this large retailer.

Mayor Esqueda: 1) said the JCP rally was awesome and thanked resident Julian Ruelas and all those that participated and showed support; 2) talked about the clean-up event at Heritage Park; 3) reminded everyone of the upcoming Fourth of July and American Cancer Society Relay for Live events; 3) 4) asked about a public comment made earlier that the City will be taken over by the County (City Administrator Hernández said he's not aware, although yes, we have to be fiscally wise and manage our cash).

**STAFF COMMUNICATION**

City Administrator Hernández: 1) reported that staff met with Griswold Avenue residents to discuss their issues and advise them of the corrective actions that must take place; 2) thanked staff members for their work on the budget; and 3) thanked the community for their input and support on the JCP rally.

Recreation and Community Services Operations Manager Ismael Aguila also talked about the clean-up work at Heritage Park and reported that the pool facility opened last weekend with 800 attendees (he expects the Fourth of July weekend will be even busier).

Mayor Esqueda thanked Recreation and Community Services Manager Aguila for his work on the Fourth of July, Relay for Life, and Heritage Park clean-up events and on the opening of the swimming pool.

**RECESS TO CLOSED SESSION (8:27 P.M.)**

By consensus, Councilmembers recessed to the following Closed Session, thereafter to adjourn.

A) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE G.C. 54957



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Dismissal of a Public Employee. The action carried with the following vote:

AYES: Ballin, Lopez, Esqueda – 3

NOES: None

ABSTAIN: De La Torre – 1

ABSENT: Hernández – 1

**B) CONFERENCE WITH LABOR NEGOTIATOR G.C. 54957.6**

City Negotiator: City Administrator Al Hernandez

Employee Organizations: San Fernando Management Group (SEIU, Local 721)  
San Fernando Public Employees' Association (SEIU, Local 721)  
San Fernando Police Officers Association  
San Fernando Police Officers Association Police Management Unit  
San Fernando Police Civilian Association (SEIU, Local 721)  
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)

No reportable action. No motions.

**C) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
G.C. 54956.9(a)**

Name of Case: Larry Barnard v. City of San Fernando

WCAB Case No.: ADJ6644900; ADJ6645565

Claim No.: 20090002SFE & 20080021SFE

No reportable action. No motions.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of July 2, 2012 meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez  
City Clerk*